

MINUTES

**MONTANA SENATE
57th LEGISLATURE - REGULAR SESSION
FREE CONFERENCE COMMITTEE ON SENATE BILL 151**

Call to Order: By **CHAIRMAN DALE MAHLUM**, on April 10, 2001 at 2:30 P.M., in Room 350 Capitol.

ROLL CALL

Members Present:

Sen. Dale Mahlum, Chairman (R)
Rep. Roy Brown, Chairman (R)
Rep. Debby Barrett (R)
Sen. Dale Berry (R)
Rep. Steven Gallus (D)
Sen. Greg Jergeson (D)

Members Excused: None.

Members Absent: None.

Staff Present: Gordon Higgins, Legislative Branch
Mary Gay Wells, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Executive Action: SB 151 Amended

{Tape : 1; Side : A; Approx. Time Counter : 0}

HEARING ON SB 151

Comments and Questions from Committee Members and Responses:

CHAIRMAN DALE MAHLUM opened the meeting. He handed out an amendment **EXHIBIT**(frs81sb0151a01).

SEN. GREG JERGESON spoke that he didn't want any amendments that would tamper with the bill such as applying to units with fewer than 3,500 full-time students. He was concerned with Havre and the BNSF railroad. Employees could run the train to Havre, spend the night and go back the next day. They were interested in the opportunity of using fitness facilities on campus as an alternative to other activities. There had been an arrangement between BNSF, who had donated equipment to Northern, and the college which allowed their employees to use the facilities. There is a private fitness center in Havre. There was some heartburn there, but Northern contracted with the private fitness center to use their handball courts. The campus didn't have them. This worked for both sides. He believed that Rimrock in Billings had done something similar in their area.

REP. STEVE GALLUS had received many messages from people in his district. They had concerns and not solely because people could use campus facilities, but public use of the facilities adds funds to the school. There is a charge for the use and it was a significant amount of money.

CHAIRMAN MAHLUM had called a health club in Butte. He asked if the School of Mines fitness club was in direct competition with her club. She answered no. She felt it was great to have them in the business.

REP. ROY BROWN said he did not oppose the amendment that had come from the Senate. It seemed to be a big city problem. He was concerned in protecting private businesses, who fund all their needs and pay taxes, from universities who are funded by the state and don't pay taxes. It seemed only three places would be affected: Bozeman, Billings and Missoula. About everyone had been exempted out of the bill except for one more and that was Havre.

SEN. DALE BERRY asked how many students are at Billings. Someone answered about 4,000. He also wanted to protect private businesses. He felt it was good to keep it to membership type people and not open to people off the street. He liked that membership amendment.

CHAIRMAN MAHLUM asked the committee to comment on another amendment **EXHIBIT (frs81sb0151a02) SB015104.agh.**

Gordon Higgins, Legislative Branch, felt the language of the saving clause was really not the best way to approach the Rimrock issue, because in effect, this could provide some legal standing for anyone who had been using the facilities at a university system. They could say the rights that were matured or the

duties that were allowed to happen, prior to this bill, could apply to him as an individual. The intent of the committee was not to exclude a group from using those types of services. There was a better way to insure that Rimrock or anyone else in the future that would have similar needs could still use university fitness centers if they needed to. It could be another subsection under the exception. That would take a little bit of tweaking. If Rimrock were the only problem, the number of full time students could be increased. The other way would be to put in an exception that would state "group memberships for rehabilitative services."

SEN. JERGESON asked if the two amendments had any relationship to one another. What would be the impact of inserting "individual members."

Mr. Higgins stated that by adding "individual members" would imply that one could not go to the university system if they were not part of the paying alumni or a relative of a student.

SEN. JERGESON further questioned that as a group, could they become members.

Mr. Higgins replied that if there were a bulk membership arrangement where the employees of BNSF had the ability to use the facilities, that would be allowed.

CHAIRMAN MAHLUM asked **Bill Johnson, University System**, to speak to the amendments.

Bill Johnson stated that they had brought forward "individual members" and felt that the intent was individuals should not come to the fitness centers unless they fall within the guidelines of 10% membership and a dues-paying member of an association. Their concern later on was with hospitals and other groups that work with the university campuses. He felt the amendment of "individual members of" would take care of Havre and Rimrock in the present as well as in the future.

REP. BROWN asked if the original amendment of "individual members" also solved the Rimrock situation.

Mr. Higgins answered yes, he felt that it would.

REP. GALLUS moved to **ADOPT** amendment (EXHIBIT 1) to insert "individual members of."

Vote: The motion carried unanimously.

SEN. JERGESON moved to **ACCEPT** the **HOUSE** amendments.

Vote: The motion carried unanimously.

Mr. Higgins spoke and said he had been requested by **REP. KEANE** to prepare an amendment for the House floor which dealt with the 3500 student exception as well as removing "or well-being" on page 1, line 26. He had spoken with some people from the university system as well. In order to be clear and consistent, since in essence there were two different definitions for a private and a university fitness center, the committee might want to strike "or well-being" on line 23.

REP. GALLUS moved to **ADOPT** the conceptual amendment of striking "or well-being" on line 23.

Vote: The motion carried unanimously.

ADJOURNMENT

Adjournment: 3:00 P.M.

SEN. DALE MAHLUM, Chairman

MARY GAY WELLS, Secretary

DM/MGW

EXHIBIT (frs81sb0151aad)